IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6092 OF 2006

B.K. Engineers
& Ors. .. Petitioners.

vs.

Bharati Sahakari Bank Ltd. . .. Respondent.

Mr. Sanjay Kshirsagar for petitioners.

CORAM : A.P. DESHPANDE, J.

DATE : 24th November, 2006.

P.C.

. An application was moved initially at Exhibit-21 by the present petitioners, who are borrowers and guarantors in original application moved by a multi-state co-operative bank claiming a sum of more than Rs. 10 lacs from the present petitioners. Under the application at Exhibit 21, an objection was raised that the DRT has no jurisdiction to entertain and decide the claim as according to the petitioners the amount due and payable to the respondent bank is less than Rs. 10 lacs. The Presiding Officer, D.R.T. Pune, by an order dated 9.6.2006 rejected the said application by holding that the jurisdiction of a court will

have to be determined on the basis of the averments made in the plaint and not on the basis of the averments made in the written statement. The said order attained finality as the same was not called in question. Again a similar application was moved and the Presiding Officer has rejected the same on the ground that the earlier identical application is rejected. Aggrieved by this order, the present writ petition has been filed.

2. Perused the orders. No interference is called for. In the result, petition fails and is dismissed summarily.

(A.P. Deshpande, J.)